



General Assembly

January Session, 2007

Committee Bill No. 5399

LCO No. 5050

05050HB05399JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

***AN ACT CONCERNING REQUESTS FOR MORTGAGE PAYOFF
STATEMENTS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 49-10a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 (a) A mortgagee shall, upon written request of the mortgagor or the
4 mortgagor's attorney or other authorized agent, provide a payoff
5 statement in writing to the person requesting [such] the payoff
6 statement on or before the date specified in such request, provided
7 such request date is at least ten business days [from] after the date of
8 receipt of the written request for a payoff statement. The written
9 request shall specify a date through which the amount specified in the
10 payoff statement shall be valid. If the request is made in connection
11 with a default on the mortgage, the mortgagor's attorney may make
12 such written request directly to the mortgagee, provided such written
13 request contains a representation that the person requesting the payoff
14 statement is the mortgagor's attorney and that the mortgagor has
15 authorized the request.

16 (b) If the mortgagee fails to provide [such] the payoff statement on
 17 or before such request date, the mortgagee shall not be entitled to the
 18 payment of any interest on the mortgage loan which is secured by such
 19 mortgage which accrues after the expiration of such request date. If the
 20 mortgagee provides the payoff statement to the person requesting the
 21 [same] payoff statement after the expiration of such request date,
 22 interest on the mortgage loan which accrues after the receipt of [such]
 23 the payoff statement by the person who has requested it shall again be
 24 payable. The burden of proof shall be on the mortgagor with respect to
 25 the receipt by the mortgagee of the mortgagor's request for a payoff
 26 statement of the mortgage loan, and thereafter shall be on the
 27 mortgagee with respect to the receipt of the payoff statement by the
 28 mortgagor or the mortgagor's attorney or other authorized agent.

29 (c) The mortgagee shall not impose any fee or charge for the first
 30 payoff statement requested within a calendar year, unless the
 31 mortgagor or the mortgagor's attorney or other authorized agent
 32 requests expedited delivery of the payoff statement, agrees to pay a fee
 33 for such expedited delivery and the payoff statement is provided by
 34 the agreed upon date.

This act shall take effect as follows and shall amend the following sections:		
---	--	--

Section 1	October 1, 2007	49-10a
-----------	-----------------	--------

Statement of Purpose:

To allow an individual who requests a mortgage payoff statement to specify a date through which the statement amount is valid and allow the mortgagor's attorney in a default matter to make an authorized request for such statement directly to the mortgagee.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: REP. HAMZY, 78th Dist.

H.B. 5399